

REMARKS

Claims 36-41 are pending in the application. Claims 1-35 and 42-121 have been canceled without prejudice. Claim 36 has been amended to incorporate the language of claim 35, and claim 41 has been amended to recite each membrane in the alternative. The right to prosecute the subject matter of any canceled claim in one or more continuation, continuation-in-part or divisional applications, including presently pending U.S. Application No. 10/984,450, is hereby reserved. No new matter has been added.

Allowable Subject Matter

The Examiner's indication that previously dependent claim 36, and its dependent claims 37-41, would be allowable if previously dependent claim 36 were rewritten in independent claim form to incorporate the language of canceled independent claim 35 is gratefully acknowledged. Accordingly, claim 36 has been rewritten into independent claim form to incorporate the language from canceled independent claim 35. Also, dependent claim 41 has been amended to express each membrane type in the alternative.

Double Patenting Rejections

Claims 3, 103, and 104 have been provisionally rejected under 35 U.S.C. 101 as allegedly claiming the same invention as that of claims 110-114 of copending U.S. Application No. 10/984,450. Claims 3, 103, and 104 have been canceled without prejudice, rendering the rejection of these claims moot.

Claims 4, 6-8, 35, 60-69, and 102-121 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 103-301 of copending U.S. Application No. 10/984,450. Claims 4, 6-8, 35, 60-69, and 102-121 have been canceled without prejudice, rendering the rejection of these claims moot.

For the reasons above, it is respectfully requested that the double patenting rejections be withdrawn.

Rejection Under 35 U.S.C. §102(b)

Claims 3, 35, 60, 61-69, and 107-121 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 6,165,500 to Cevc (the "'500 patent"). Claims 3, 35, 60, 61-69, and 107-121 have been canceled without prejudice, rendering the rejection of these claims moot.


In view of the above, it is respectfully requested that the rejection of the claims under 35 U.S.C. § 102(b) over the '500 patent be withdrawn.

Conclusion

It is respectfully requested that the Examiner enter the present amendment in light of the foregoing remarks and it is believed that the pending claims are in condition for allowance. If the Examiner believes a telephone interview would expedite the successful prosecution of the claims, the undersigned attorney would be grateful for the opportunity to discuss any issues.

Please charge any payments due to Wilmer Cutler Pickering Hale and Dorr LLP Deposit Account No. 08-0219.

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Date

Respectfully submitted,
WILMER CUTLER PICKERING HALE AND DORR LLP

My. No. 36,343

Matthew E. Langer
Reg. No. 36,343
Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, New York 10022
Tel: (212) 937-7227
Fax: (212) 230-8888